HIGH COURT OF UTARANCHAL AT NAINITAL

Writ Petition No. 772 (S/S) of 2003

Mahipal Singh …...Petitioner

VS

Union of India and others …..Respondents

Counsel for the petitioner Sh. D.S Patni
Standing Counsel for the respondent.

Dated:- 21-4-2004

Hon'ble Rajesh Tandon, J.

Heard Sh. D.S. Patni learned counsel for the petitioner and Standing counsel for the respondent.

By the present writ petition the petitioner has prayed for the issue of a writ, order or direction in the nature of mandamus commanding the respondents to pay the correct pro-rota pension considering the monetary benefits accrued to the petitioner on account of Junior persons promoted during the period when the petitioner was in service of respondents along with interest of 18% from the date of retirement i.e. 31-12-84.

Brief facts giving rise to the present writ petition are that the petitioner was initially inducted in the service of respondents on the post of Superintendent B/R Grade II on 31-8-63 and thereafter opted Surveyor Grade Ii in the year 1979.

The petitioner has stated that he retired from the post of Superintendent B/R Grade II/ S.A Grade II w.e.f 31-12-1984. It was submitted that the respondents are not paying him correct fixation of Pro-Rata-Pension and other pensionary benefits in pursuance of the

resignation on 31-12-84 w.e.f 1-1-85 from service of respondent, which was duly accepted by the respondent.

On 12-4-1985 the petitioner represented to the respondent no.3 from payment of proportionate pensionary benefits and further on 16.11.87 he represented and requested to release the proportionate pension in his favour. However, payment of dues to the extent of Rs. 13,103/- was paid to the petitioner on 30-12-1999 but the representation has not been decided with regard to the relief sought by the petitioner.

The petitioner confines himself for the disposal of his representation filed on 26-2-2000 before the respondents and as such the respondents are directed to dispose of the representation of the petitioner.

However the petitioner is given liberty to make another representation within a period of 3 weeks after the filing of the certified copy of the order. The representation shall be decided along with the previous representation within a period of 6 weeks after the production of the certified copy of the order.

Subject to the aforesaid observation, the writ petition is disposed of. There will be no order as to costs.

(Rajesh Tandon, J.)

21-4-2004
M.K